



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

UNITED STEELWORKERS OF AMERICA, *
LOCAL UNION 8938 *

Complainant *

CASE NO. M-0545:3

v. *

DECISION NO. 85-40

MANCHESTER WATER WORKS *

Respondent *

APPEARANCES

Representing United Steelworkers of America

Vincent Wenners, Esq. Counsel

Representing Manchester Water Works

Wilbur Jenkins, Personnel Director
Frederick Elwell, Director

Others in attendance

Michael Roche, Eng. Tech I
Robert Stanton, Eng. Aide III

BACKGROUND

On September 4, 1984 Michael D. Roche, President of United Steelworkers of America, Local 8938 complained to the Public Employee Labor Relations Board that the Manchester Water Works discriminated against him in their promotion selection process because of his involvement in union activity.

The Manchester Water Works responded that the selection process for a promotion to a position outside the bargaining unit is within management's authority to fill, subject only to the provisions of the City of Manchester Personnel Ordinance; denied any anti-union sentiment affected the selection process; and motioned to dismiss the complaint due to lack of specific allegations.

A hearing was held on May 16, 1985 with both parties present.

FINDINGS OF FACT

At the hearing the motion to dismiss was taken under advisement to allow the complaining party the opportunity to substantiate the charge of anti-union discrimination.

The complaining party presented its case in full.

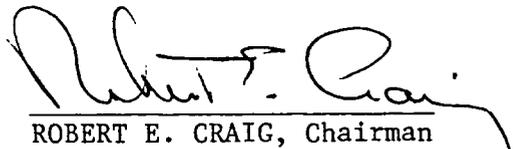
After completion of the complaining parties case, this Board took the motion to dismiss under consideration and finds:

There is no evidence to substantiate the charge of union discrimination;

There is no reason for this Board to believe that the promotional process in question utilized by the Manchester Water Works was motivated by union sentiment.

DECISION

The Board hereby grants Manchester Water Works motion to dismiss complaint.


ROBERT E. CRAIG, Chairman

Signed this 23rd day of May, 1985.

By unanimous vote. Chairman Robert E. Craig and members Seymour Osman and Russell Verney present and voting. Also present, Evelyn C. LeBrun, Executive Director.